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Benchmark Capital Partners VII, L.P. and  
11 Benchmark Capital Management Co. VII, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

16 | NEXTDOOR.COM, INC., a Delaware corporation,

17 Plaintiff,

18 || VS.

19 RAJ ABHYANKER, an individual.

20 || Defendant.

21

CASE NO. 3:12-cv-05667-EMC

**BENCHMARK CAPITAL PARTNERS VII, L.P.  
AND BENCHMARK CAPITAL  
MANAGEMENT CO. VII, LLC'S REQUEST  
FOR JUDICIAL NOTICE IN SUPPORT OF  
MOTION TO DISMISS COUNTERCLAIMS**

22 RAJ ABHYANKER, an individual.

23 Counterclaimant.

24 ||

25 NEXTDOOR.COM, INC., a Delaware  
26 corporation; PRAKASH  
27 JANAKIRAMAN, an individual;  
28 BENCHMARK CAPITAL PARTNERS  
VII, L.P.,  
a Delaware limited partnership;  
BENCHMARK CAPITAL

Judge: Honorable Edward M. Chen

1 MANAGEMENT CO. VII LLC,  
2 a Delaware limited liability company;  
3 SANDEEP SOOD, an individual;  
4 MONSOON COMPANY, an unknown  
5 business entity, and DOES 1-50, inclusive,

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7 Counterdefendants.  
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1 Pursuant to Federal Rule of Evidence 201(b)(2), Counterdefendants Benchmark Capital  
 2 Partners VII, L.P., and Benchmark Capital Management Co. VII, LLC (“Benchmark”)  
 3 respectfully request that the Court take judicial notice of the following documents in support of  
 4 Benchmark’s Motion to Dismiss the Counterclaims. The documents are attached to the  
 5 Declaration of Adam M. Regoli (“Regoli Declaration”) as Exhibits 1 through 5.

- 6 • Exhibit 1 is a “First Amended Complaint” filed by Raj Vasant Abhyanker against  
 7 Benchmark and others on December 6, 2011, in the Superior Court of the State of  
 8 California – County of Santa Clara.
- 9 • Exhibit 2 is Benchmark’s “Demurrer To Plaintiff’s First Amended Complaint;  
 10 And Memorandum Of Points And Authorities In Support Thereof,” filed by  
 11 Benchmark on January 10, 2012, in the Superior Court of the State of California –  
 12 County of Santa Clara.
- 13 • Exhibit 3 is a “Request For Dismissal,” filed by Raj V. Abhyanker on February 7,  
 14 2012, in the Superior Court of the State of California – County of Santa Clara.
- 15 • Exhibit 4 is a Certificate of Limited Partnership from the State of Delaware,  
 16 reflecting that Benchmark Capital Partners VII, L.P. was formed on December 30,  
 17 2010.
- 18 • Exhibit 5 is a Certificate of Formation from the State of Delaware, reflecting that  
 19 Benchmark Capital Management Co. VII, LLC was formed on December 29,  
 20 2010.

21 Under Federal Rule of Evidence 201(b)(2), the Court “may judicial notice a fact that is  
 22 not subject to reasonable dispute because it ... can be accurately and readily determined from  
 23 sources whose accuracy cannot reasonably be questioned.” In such circumstances, the Court “must  
 24 take judicial notice if a party requests it and the [C]ourt is supplied with the necessary  
 25 information. Fed. R. Civ. P. 201(c)(2).

26 Here, Exhibits 1-3 to the Regoli Declaration are documents that were filed in the Superior  
 27 Court of the State of California – County of Santa Clara. Courts routinely take judicial notice of  
 28 the contents of such documents because their contents are not subject to reasonable dispute. *See,*

1 *e.g., Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (taking  
 2 judicial notice of court documents and pleadings in related litigation); *Burbank-Glendale-*  
 3 *Pasadena Airport Authority v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir. 1998) (taking  
 4 judicial notice, in federal action, of pleadings filed in California Superior Court). Accordingly,  
 5 the Court should take judicial notice of Exhibits 1-3.

6 Exhibit 4 to the Regoli Declaration is a Certificate of Limited Partnership from the State  
 7 of Delaware. Exhibit 5 to the Regoli Declaration is a Certificate of Formation from the State of  
 8 Delaware. Courts routinely take judicial notice of the contents of such documents because they  
 9 are official public records and their contents are not subject to reasonable dispute. *See, e.g.,*  
 10 *Reiner v. Washington Plate Glass Co., Inc.*, 711 F.2d 414, 416 (D.C. Cir. 1983) (taking judicial  
 11 notice of appellee's date of incorporation by consulting the records of the District of Columbia  
 12 Recorder of Deeds Office); *Piazza v. EMPI, Inc.*, No. 1:07-cv-00954, 2008 WL 590494, at \*4  
 13 (E.D. Cal. Feb. 29, 2008) (taking judicial notice of corporation's "registration with the California  
 14 Secretary of State" because it "is an official public record and its contents are not reasonably in  
 15 dispute."). Accordingly, the Court should take judicial notice of Exhibits 4 and 5.

16 For the foregoing reasons, Benchmark respectfully requests that the Court take judicial  
 17 notice of Exhibits 1-5 to the Regoli Declaration when ruling on Benchmark's Motion to Dismiss.  
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19 Dated: March 15, 2013

Respectfully submitted,

20 LATHAM & WATKINS LLP

22 By /s/ Matthew Rawlinson  
 23 Matthew Rawlinson

24 Steven M. Bauer  
 25 Matthew Rawlinson  
 26 Adam M. Regoli  
 27 Attorneys for Counterdefendants  
 28 Benchmark Capital Partners VII, L.P., and  
 Benchmark Capital Management Co. VII,  
 LLC